

NYR 2005-021



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 Congress Street, Suite 1100

BOSTON, MA 02114-2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

APR 28 2005

Jack D. Rollins, Regulatory Affairs Manager
Yankee Atomic Electric Company
HC87 Box 160
Rowe, Massachusetts 01367

Re: Approval for Cleanup and Disposal of PCB Remediation Waste under 40 CFR §§761.61(a) and (c)

Dear Mr. Rollins:

This is in response to your application for approval of a proposed plan to address PCB-contaminated materials in the Southeast Construction Fill Area (SCFA) located at the Yankee Nuclear Power Station, Rowe, Massachusetts (the Site).¹ The Site contains PCB-contaminated materials that exceed the allowable PCB levels under the federal PCB regulations at 40 CFR §761.61. Yankee Atomic Electric Company (YAEC) has requested an approval to excavate and dispose of PCB-contaminated materials in the SCFA under the PCB cleanup and disposal regulations at 40 CFR §761.61.

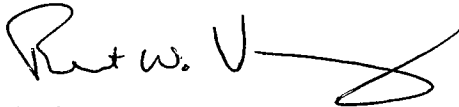
With the exception of minor deviations in the characterization sampling frequency requirements under Subpart O, the proposed excavation and off-site disposal of the PCB-contaminated materials from the SCFA meet the self-implementing removal and disposal requirements under 40 CFR §761.61(a)(5). Given the Site history, the characterization sampling conducted, and the proposed contingency segregation and sampling during the removal, EPA finds that the sampling is adequate for purposes of segregation of the PCB-contaminated materials for off-site disposal. EPA also finds that the proposed confirmatory sampling in the excavation areas is adequate for purposes of determining that PCBs at greater than 1 part per million (> 1 ppm) have been removed for purposes of on-site reuse under the Massachusetts Department of Environmental Protection (MADEP) Beneficial Use Determination (BUD) Permit dated December 23, 2004, and for verification of the SCFA remediation. EPA is approving

¹ This letter was submitted by you to satisfy the notification requirement under 40 CFR §§761.61(a) and (c). Information was provided dated February 18, 2005; April 4, 2005; April 18, 2005 (via e-mail); April 19, 2005; and April 23, 2005 and will be referred to as the "Application."

YAEC's Application and YAEC may proceed with the excavation and off-site disposal under 40 CFR §§761.61(a) and (c) and its Application, subject to the conditions of Attachment 1.

EPA shall not consider this project complete until it has received all submittals required under this Approval. Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Varney". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert W. Varney
Regional Administrator

Attachment 1

cc: K. Dow, YAEC
MADEP, Western Region
J. McTigue, ERM
Greenfield Community College Site Repository

**ATTACHMENT 1: PCB DISPOSAL APPROVAL
YANKEE NUCLEAR POWER STATION
ROWE, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* identified in the Application, specifically the PCB waste in the Southeast Construction Fill Area (SCFA).
2. Yankee Atomic Electric Company (YAEC) shall conduct on-site activities in accordance with the conditions of this Approval and with the Application.
3. This Approval shall be revoked if the EPA does not receive written notification from YAEC of its acceptance of the conditions of this Approval within 10 business days of receipt.
4. In the event that the activities described in the Application differ from the conditions specified in this Approval, the conditions of this Approval shall govern.
5. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR §761.3 unless otherwise defined within this Approval.
6. YAEC must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, YAEC shall comply with the EPA's PCB Spill Cleanup Policy under 40 CFR Part 761, Subpart G (which applies to spills less than 72 hours old), if applicable.
7. YAEC is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time YAEC has or receives information indicating that YAEC or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
8. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by YAEC are authorized to conduct the activities set forth in the Application. YAEC is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

9. YAEC shall notify EPA in writing of the scheduled date of commencement of on-site activities at least three business days prior to conducting any work under this Approval.
10. This Approval does not waive or compromise EPA's enforcement and regulatory authority, nor release YAEC from any applicable requirements of federal, state or local law.

REMEDIAL and DISPOSAL CONDITIONS

11. During activities conducted under this Approval, YAEC shall insure that authorized activities are overseen by a field supervisor that is independent of the excavation contractor. YAEC shall provide the field supervisor's name, affiliation, and contact information to EPA prior to conducting any excavations in the SCFA.
12. The cleanup level for *PCB remediation waste* at the Site shall be less than or equal to 1 part per million (≤ 1 ppm).
 - a. *Bulk PCB remediation waste* samples shall be collected on a bulk basis (e.g. mg/Kg) and in accordance with Subpart O. Verification sampling for *PCB remediation waste* shall comply with the procedures detailed in the Application and in accordance with Subpart O frequency requirements; samples shall be collected from both excavation bottoms and sidewalls, if applicable.
 - b. In the event that paint chips or painted debris is found at the Site, YAEC shall segregate these materials for laboratory analysis. YAEC shall contact EPA for direction on appropriate sampling, handling and disposal of these materials.
13. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C/3541 or 3500B/3545 of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices. Chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.
14. PCB waste generated as a result of the activities described in the Application, excluding any decontaminated materials, shall be disposed of in accordance with 40 CFR §761.61(a)(5), or, as modified under 40 CFR §761.50(b)(7) for disposal of PCB/radioactive waste, unless otherwise specified below:
 - a. Non-liquid cleaning materials, such as PPE and similar materials resulting from decontamination, shall be disposed of in accordance with 40 CFR §761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR §761.79(b)(3)(i)(A), §761.79(b)(3)(ii)(A), or §761.79(c)(2).

- c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR §761.79(b)(1) or disposed of under §761.70.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

15. YAEC shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by YAEC to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Application must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR §761.61(a)(3)(ii).
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Application or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

19. YAEC shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by YAEC in one centralized location for at least three years or until redevelopment of the Site, whichever is longer. All records shall be made available for inspection by authorized representatives of EPA.
20. YAEC shall submit a final report to EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the remedial activities; characterization and confirmation sampling analytical results (if applicable); copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and/or bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.

21. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
1 Congress Street, Suite 1100 - CPT
Boston, Massachusetts 02114-2023
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

22. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.